

FILED

JUL 13 2022

ARMELITA REEDER SHINN, CLERK
DIST. COURT, WESTERN DIST. OKLA.
 , DEPUTY

Case No. CIV-22-588-SLP
(Court Clerk will insert case number)

(3) _____

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

- If the court grants your request, the \$52 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. *See* 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

II. State whether you are a:

- ☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☒ Pretrial detainee
☐ Immigration detainee
☐ Civilly committed detainee
☐ Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1**a. Parties to previous lawsuit:**

Plaintiff(s): NONE

Defendant(s): _____

b. Court and docket number: NONE

c. Approximate date of filing: _____

d. Issues raised: _____

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): _____

NONE

f. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

(4)

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff Jose Tomas Fonseca

Name and any aliases: Jose Fonseca

Address: 201 N. Shartel OKC OK 73102

Inmate No.: _____

2. Defendant No. 1 Oklahoma County Detention Center.

Name and official position: Administrative Review Authority.

Place of employment and/or residence: 201 N. Shartel
OKC OK 73102

How is this person sued? (☒) official capacity, () individual capacity, () both

3. Defendant No. 2

Name and official position: _____

Place of employment and/or residence: _____

How is this person sued? () official capacity, () individual capacity, () both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

V. Cause of ActionInstructions

1. *Provide a short and plain statement of each claim.*
 - Describe the facts that are the basis for your claim.
 - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
 - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
 - Describe the constitutional or statutory rights you believe the defendant(s) violated.
 - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
 - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures before filing your lawsuit.*
 - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. § 1997e(a).
 - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
 - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

6. Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.

- If a ruling in your favor "would necessarily imply the invalidity" of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. Claim 1:

(1) List the right that you believe was violated:

8th Amendment
System Has Failed to Provide At Least
the Minimal Civilized Measure of
Life Necessities.

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Oklahoma County Detention
Center. AD Administrative Review Authority

(3) List the supporting facts:

1) Food TRAY CONTAMINATED With Bed Bug
 2) Cell Infested With Bed Bug And vermin
 infestation! 3) LACK OF ACCESS to medical
 Treatment and Poor medical Care! See Attachment

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

5 Million Dollars To Build A Shelter
 Drug Treatment Center And A Big
 Brothers Program For Kids.

2. Claim II:

(1) List the right that you believe was violated:

8th Amend
 ment!

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

OKlahoma County Detention Center.
 Administrative

Attachment Sheet
Supporting The Facts

Claims

Claim: 1) On June 27, 2022 Between 4:00 AM 5:00 AM
At Breakfast time I was given a Food TRAY
Contaminated with a Bed Bug in it. My First
Complaint was verbally I ask Officer Not
To set MY TRAY on The Floor on The
Pod Because of Bed Bugs.

Claim: 2) Vermin's Come Under MY Cell Door
From Out on The Pod At Night and Eat
MY Commissar / That Set Under MY Bunk!
Bed Bugs Are Also Infested in The Cell
and Can Be Noticed when Cell Lights
are out!

Claim: 3) After Several Request For Medical
Treatment Seeking Medical For Bed bug
Bites and Burning Skin Medical is
unable To supply The correct Antibiotics
They Don't keep in Stock!

(8)

(3) List the supporting facts:

- 1) Extermination Process is not Effective
- 2) INMATE Handbook is only Policy But it states
NO INMATE Should Handle Food TAYs.
- 3) New ISSUES ON Arrival

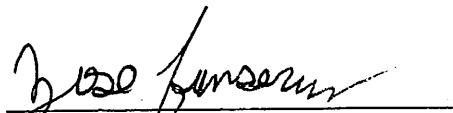
(4) Relief requested: (State briefly exactly what you want the court to do for you.)

5 million Dollars For Facility where
VETERANS can come seek Help and be
Fed Food and Drug Treatment!

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).


VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.


Plaintiff's signature

7-6-22
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 6 day of July, 2022


Plaintiff's signature

7-6-22
Date